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## ***Lead Counsel for the Indirect Purchaser***

## *Plaintiffs for the 22 States*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

Master File No. 4:07-cv-05944-JST  
Case No. 4:13-cv-03234-JST

MDL No. 1917

## This Document Relates to:

## INDIRECT PURCHASER ACTIONS FOR THE 22 STATES

**[PROPOSED] ORDER GRANTING  
MOTION FOR ORDER AUTHORIZING  
DISTRIBUTION OF SETTLEMENT  
FUNDS**

Hearing Date: July 28, 2022

Time: 2:00 p.m.

Courtroom: 6, 2nd Fl. (Oakland)

Judge: Hon. Jon S. Tigar

1           The Court, having considered Indirect Purchaser Plaintiffs' Motion for Order Authorizing  
 2 Distribution of Settlement Funds ("Motion"), the Amended Declaration of Joseph M. Fisher Re:  
 3 Notice, Claims Processing and Distribution of Settlement Funds ("Amended Fisher Declaration"),  
 4 the pleadings and other papers on file in this action, and the statements of counsel and the parties,  
 5 and finding good cause appearing, hereby GRANTS the Motion as follows:

6           1.       The Escrow Agents on the Escrow Accounts, Citi Bank and Union Bank, are  
 7 ORDERED to transfer all settlement funds from the Escrow Accounts to the accounts established for  
 8 the Cathode Ray Tubes Antitrust Litigation Qualified Settlement Fund at Western Alliance Bank  
 9 ("Western") and managed by the Court-appointed Settlement Administrator, The Notice Company,  
 10 Inc. ("The Notice Company"). Those accounts shall be governed by the Court's prior orders  
 11 establishing a Qualified Settlement Fund ("QSF") which is administered by IPP Lead Counsel.

12           2.       The Notice Company shall not disburse, withdraw, or transfer any funds from the  
 13 QSF accounts at Western without written authorization from IPP Lead Counsel, Mario N. Alioto.

14           3.       The Notice Company's claims review process and audit procedures, as set forth in the  
 15 Amended Fisher Declaration, were fair, adequate, and reasonable, and provided a full and fair  
 16 opportunity for potential class members to submit a valid claim.

17           4.       The Notice Company's conclusion that a \$25 (twenty-five dollars) minimum payment  
 18 to each approved End User and Reseller claimant would conserve administration funds, and  
 19 therefore provide a greater net benefit to the class overall, is reasonable and is hereby approved.

20           5.       The Notice Company's recommendations regarding the approved CRT Weighted  
 21 Units for each End User claimant (Exhibit D to the Amended Fisher Declaration) and each Reseller  
 22 claimant (Exhibit E to the Amended Fisher Declaration) are hereby adopted and approved.

23           6.       The Court authorizes distribution of the Chunghwa Net Settlement Fund to End User  
 24 and Reseller claimants as set forth in Exhibits D and E to the Amended Fisher Declaration, in  
 25 accordance with the Court-approved Plan of Distribution for the Chunghwa Settlement.

26           7.       The Court authorizes the distribution of the Net Settlement Funds for all other  
 27 settlements to End User claimants as set forth in Exhibit D to the Amended Fisher Declaration, in  
 28 accordance with the Court-approved Plan of Distribution for those settlements.

1       8.     The Court approves IPPs' proposal for paying claims filed after the applicable Court-  
 2 ordered deadlines ("Late Claims") as fair and reasonable. Late Claims shall be paid as follows:

- 3           a. Late Claims "on file" with the Settlement Administrator as of May 5, 2020, and  
 4           approved by the Settlement Administrator, shall be paid at 50%-unit value, as  
 5           compared with Timely Claims, which shall be paid at 100%-unit value;
- 6           b. Placeholder Claims which, as of May 5, 2020, did not provide a good-faith  
 7           number of CRT units purchased are not considered "on file" and shall not be paid;
- 8           c. Claims filed after May 5, 2020 are rejected;
- 9           d. Application of the 50% reduction to Late Claims shall not reduce the value of any  
 10          such claim to less than the minimum payment of \$25 (unless the minimum  
 11          payment is reduced to less than \$25 for all claimants);
- 12          e. If any residual remains in the Net Settlement Funds after distribution checks  
 13          become stale, such residual will be shared as follows (i) if the residual is less than  
 14          or equal to \$12 million, it shall be shared *pro rata* by the Late Claimants, subject  
 15          to a minimum threshold set at the Settlement Administrator's discretion, and (ii) if  
 16          the residual is more than \$12 million, it shall be shared *pro rata* by all claimants,  
 17          subject to a minimum threshold set at the Settlement Administrator's discretion;
- 18          f. The Settlement Administrator is authorized to conduct this second distribution of  
 19          the residual funds without further Court approval.

20       9.     Checks issued to claimants by The Notice Company shall bear the notation "Non-  
 21       Negotiable After 180 Days" or "Void After 180 Days." The Notice Company shall void all uncashed  
 22       checks following the expiration of the 180-day void date. The Notice Company may re-issue checks  
 23       as necessary.

24       10.    To the extent there are residual funds resulting from any uncashed checks after the  
 25       second distribution of funds outlined in Paragraph 8, these funds shall become a part of the QSF and  
 26       Lead Counsel shall report to the Court the total amount and the suggested disposition of such  
 27       residual funds. These residual funds shall not be distributed except by order of the Court.

1       11. The Court finds that the fees and expenses incurred by The Notice Company in  
 2 processing and auditing claims from September 1, 2021 through May 31, 2022 were reasonably  
 3 incurred in the ordinary course of administering the settlements and necessary given the nature and  
 4 scope of the case. The Court authorizes the payment of \$99,240.13 to The Notice Company on a *pro*  
 5 *rata* basis from the Chunghwa Net Settlement Fund and the Net Settlement Funds for the other  
 6 settlements.

7       12. The Court finds the expenses incurred by IPP Counsel for the continued prosecution  
 8 and settlement of this case to be fair and reasonable. The Court approves the \$2,330,710.87 paid  
 9 from the Future Expense Fund and grants the motion for the reimbursement to IPP Counsel in the  
 10 amount of \$345,171.76, to be paid on a pro rata basis from the Chunghwa Net Settlement Fund and  
 11 the Net Settlement Funds for the other settlements.

12       13. The Notice Company's estimate that its remaining work from June 1, 2022 to the  
 13 completion of final distribution will cost approximately \$600,000 is reasonable, and the Court orders  
 14 that \$600,000 be withheld on a *pro rata* basis from the Chunghwa Net Settlement Fund and the Net  
 15 Settlement Funds for the other settlements.

16       14. The Court approves the reserve of \$10,000,000 of the Net Settlement Funds, on a *pro*  
 17 *rata basis*, from funds distributed to claimants being awarded \$1 million or more, for any  
 18 contingencies that may arise with respect to claims, to pay for any other future fees or expenses that  
 19 are authorized by the Court and incurred in connection with administering the Settlements, as well as  
 20 any further escrow fees, taxes, and the costs of preparing appropriate tax returns. Any unused portion  
 21 of the reserve funds shall be distributed to the claimants from which it is withheld when authorized  
 22 by the Court following a subsequent motion for distribution.

23       15. Unless otherwise ordered by the Court, one year after distribution of the Net  
 24 Settlement Funds has commenced, The Notice Company may destroy the paper copies of the Proofs  
 25 of Claim and all supporting documentation and, one year after all funds in the Net Settlement Funds  
 26 have been distributed, The Notice Company may destroy electronic copies of the same.

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2       **IT IS SO ORDERED.**  
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Dated: \_\_\_\_\_

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Hon. Jon S. Tigar  
United States District Judge